

MAY 16 2005

PTO/SB/21 (08-04)

Approved for use through 07/31/2006 OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Patent Law Revision Act of 1995, an inventor is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

Application Number
10/769,797Filing Date
February 27, 2004First Named Inventor
Patrice MBeaArt Unit
3762Examiner Name
n/aAttorney Doctor Number
014US1

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ENCLOSURES (Check off that apply)

<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. <input type="checkbox"/> REGULAR POST CARD
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Nuvasive, Inc.		
Signature			
Printed name	Jonathan Spangler		
Date	May 11, 2005	Reg. No.	40,182

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Jay Bell

Date

May 11, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.13 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

PATENT

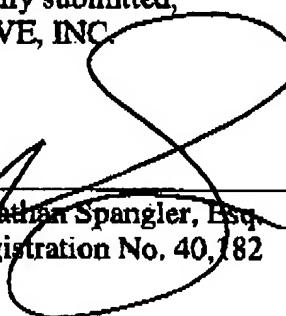
Application Serial No. 10/789,797
Attorney Ref. No. 014US1

Best Available Copy

- (A) A copy of the Notice to File Missing Parts;
- (B) A signed declaration by the inventors as required by the Notice;
- (C) Replacement Figures 25 & 26 as required by the Notice; and
- (D) A Petition for Extension of Time for 1 month.

Furthermore, Applicant hereby authorizes a payment of \$65.00 fee for the late filed declaration; and \$60.00 fee for the Extension of Time for a total of \$125.00. No other fees are deemed necessary at this time. However, in the event that there are any additional fees to be charged or payments to be credited, the applicant hereby request that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,
NUVASCIVE, INC.

By: 

Jonathan Spangler, Esq.
Registration No. 40,182

4545 Towne Centre Court
San Diego, CA 92121
Tel.: (858) 243-0029

May 11, 2005



PATENT
Application Serial No. 10/789,797
Attorney Ref. No. 014US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of)
Patrick Miles, et al.)
App. Ser. No. 10/789,797) Group Art Unit: TBD
Filed: February 27, 2004) Examiner: TBD
For: SURGICAL ACCESS SYSTEM)
AND RELATED METHODS)
)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 11, 2005.

Signature: _____

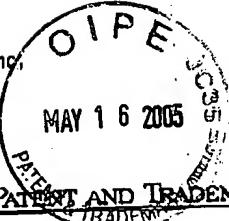
Jay Bell

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

In response to a Notice to File Missing Parts mailed on February 11, 2005, having a two-month period for response that expired April 11, 2005, the applicant respectfully submits the following:



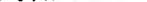
UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
[www.uspto.gov](http://uspto.gov)

IFW

APPLICATION NUMBER	10/789,797	FILING OR 371 (c) DATE	02/27/2004	FIRST NAMED APPLICANT	Patrick Miles	ATTORNEY DOCKET NUMBER	014US1
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Jonathan D. Spangler, Esq.
10065 Old Grove Road
San Diego, CA 92131

CONFIRMATION NO. 9457
FORMALITIES LETTER

"OC000000015169926"

Date Mailed: 02/11/2005

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The oath or declaration is unsigned.
- o Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$65 was not received.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment.

- o Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - o The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 25, 26.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

o **§65 Late oath or declaration Surcharge.**

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents

05/17/2005 JBALINAN 00000045 502040 10789797

01 FC:2051

65.00 DA

P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

4/1/05
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE